IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 19228 of 2007(L)

PETITIONER:

DR.SINDHU.K.BHASKARAN,
ASSOCIATE PROFESSOR IN PATHOLOGY,
GOVERNMENT MEDICAL COLLEGE, THRISSUR.

BY ADV. SRI.P.K.SURESH KUMAR,
SMT.PRIYA VIJAYAN.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF HEALTH AND FAMILY WELFARE,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF MEDICAL EDUCATION,**
   THIRUVANANTHAPURAM.

3. **DR.M.FEROZ,**
   ASSOCIATE PROFESSOR IN PATHOLOGY,
   MEDICAL COLLEGE, KOZHIKODE.

BY GOVT. PLEADER SMT. SUDHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.19228 OF 2007

Dated this the 22nd day of June, 2007

JUDGMENT

Petitioner is now working as Associate Professor in Pathology in the Government Medical College at Thrissur. While taking exception to the order of promotion and posting of respondent no.3 as Associate Professor in Pathology in Kozhikode Medical College, it is contended by the petitioner that her request for transfer to Kozhikode being more legitimate and valid, particularly in terms of the guidelines governing the field, she ought to have been given a transfer to Kozhikode.

2. Petitioner has made certain observations and allegations touching upon the propriety of the order of promotion and transfer of respondent no.3 to Kozhikode. But, I do not propose to deal with that issue at this stage, nor do I deem it necessary to issue notice to respondent no.3, because of the specific plea made on behalf of the petitioner that she does not intend to pursue the said matter before this court in this proceeding.

3. It is pointed out that petitioner has preferred Ext.P3 representation before respondent no.1 in this regard in which

she has highlighted all the relevant aspects and pointed out the violation of the regulations. She submits that she is prepared to pursue the matter before respondent no.1 and no direction need be issued in this regard. It is made clear that I have not considered any of the contentions raised by the petitioner with regard to the promotion and posting of respondent no.3 at Medical College, Kozhikode.

4. However, petitioner has got yet another plea. It is submitted that the Professor and Head of Department of Transfusion and Medicine in Medical College, Kozhikode has informed the Principal that the service of the petitioner, who is a Post Graduate in Pathology, could be better utilized in the said department, if she is transferred to that college. A communication in this regard is stated to have been sent by the Head of the above Department to the Principal of the college. A true copy of the above communication is on record as Ext.P4. Petitioner further states that the Principal has forwarded Ext.P4 communication to the Director with his recommendation and request to issue an appropriate order in the matter. Learned

counsel submits that petitioner will be satisfied, if respondent no.2 is directed to take a decision in the matter. Learned Government Pleader submits that Ext.P4 has been received by the Director from the Principal. An appropriate decision will be taken in the matter without any delay.

5. In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.2 to consider and pass orders on Ext.P4, if it has been received by him, strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. Needless to mention that petitioner shall be afforded sufficient opportunity to be heard before any decision is taken on Ext.P4. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.2 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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